

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
July 9, 2003
MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Terry Ellis, Peoria, Chairman	Tom Martinsen, Paradise Valley
Jim Huling for Mike Hutchinson, Mesa	Frank Fairbanks, Phoenix
* George Hoffman, Apache Junction	* Cynthia Seelhammer, Queen Creek
Todd Hileman, Avondale	* Bryan Meyers, Salt River Pima-Maricopa
* Joe Blanton, Buckeye	Indian Community
*Jon Pearson, Carefree	Roger Klingler for Jan Dolan, Scottsdale
*Usama Abujbarah, Cave Creek	Jim Rumpeltes, Surprise
Patrice Kraus for Pat McDermott, Chandler	Shannon Wilhelmsen for Will Manley,
Mark Smith for Dick Yost, El Mirage	Tempe
*Tim Pickering, Fountain Hills	Reyes Medrano for Ralph Velez,
David Evertsen, Gila Bend	Tolleson
Urban Giff, Gila River Indian Community	Shane Dille, Wickenburg
George Pettit, Gilbert	Mark Fooks, Youngtown
Miryam Gutier for Ed Beasley, Glendale	Debra Brisk for Victor Mendez, ADOT
Stephen Cleveland, Goodyear	Tom Buick for David Smith,
Tom Morales, Guadalupe	Maricopa County
Horatio Skeete, Litchfield Park	Ken Driggs, Valley Metro/RPTA

*Those members neither present nor represented by proxy.

Participated by videoconference or telephone conference call.

1. Call to Order

The meeting was called to order by Chairman Terry Ellis, Peoria, at 12:06 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chairman Ellis stated that transit tickets were available following the meeting from Valley Metro/RPTA. Parking validation was available from MAG staff for those who parked in the parking garage.

Chairman Ellis noted that material for agenda item #5B, #5C and #5D, and #7 were at each place.

3. Call to the Audience

Chairman Ellis stated that public comments have a three minute time limit and there is a timer to help the public with their presentations. When two minutes have elapsed, a yellow light will come on notifying the speaker that they have one minute to sum up. At the end of the three minute time period, a red light will come on. Chairman Ellis stated that for members of the audience who wish to speak, comment cards are available from the staff. Staff will then bring the cards to the Chairman. Public comment is provided at the beginning of the meeting for non-agenda items.

Chairman Ellis recognized public comment from DD Barker, who commented on upcoming Transportation Policy Committee meeting dates. Ms. Barker commented that a July Valley Metro Rail Board meeting was canceled but a cancellation notice was not on their Web site. She commented that Valley Metro Rail has 65 staff members but no Web master. Ms. Barker stated that she biked and bused and got off at the old federal courthouse where there were Iranian and Iraqi demonstrators protesting the lack of freedom there. She stated that she felt blessed to be here today and lucky to be in this country. Ms. Barker stated that we must be on guard for our safety. Ms. Barker stated that we all want peace. Chairman Ellis thanked Ms. Barker for her comments.

4. Executive Director's Report

Dennis Smith gave an update on the Arizona State Retirement Plan. At a June 20th ASRS meeting, the ASRS attorney gave an informal opinion that MAG was not a political subdivision, not a creature of statute, not in statute, and was a voluntary association. Mr. Smith stated that the ASRS Board requested formal opinion from the Attorney General. MAG has requested a meeting with the Attorney General staff, and MAG General Counsel is working on an opinion. Mr. Smith noted that the Western Arizona Council of Governments, Arizona Association of Counties, and the County Supervisors Association are ASRS members. He added that if legislation is needed we will request the assistance of the MAG member agencies in the League Resolutions Process.

Mr. Smith stated that MAG has been requested to be the fiscal agent for potential Domestic Violence STOP funds. This would allow for funds to be utilized in the West Valley Domestic Violence activities. Cities involved in this effort include Goodyear, Surprise, Glendale, and Sun City. An application was made to the Governor's Office for Children, Youth and Families for funds to contract with local agencies to provide outreach services to the West Valley for screening and support services to families and children who have experienced domestic violence. Mr. Smith stated that staff plans to apply for Governor's Innovation Domestic Violence Prevention Grant to carry out initiatives from the Regional Domestic Violence Plan. Chairman Ellis thanked Mr. Smith for his report.

5. Approval of Consent Agenda

Chairman Ellis stated that public comment will be received before taking action on the consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda.

After hearing public comments, any member of the Committee can request that an item be removed from the consent agenda and considered individually. Chairman Ellis stated that agenda items #5A through #5E were on the consent agenda.

Chairman Ellis recognized public comment from Ms. Barker, who commented on agenda items #5B, #5C, and #5D. She stated that on the public input section, it says no direct or relevant public comment was provided, and she wondered if this meant there was any comment at all. She asked if MAG was trying to get around that there was public comment but it wasn't relevant and direct? Ms. Barker expressed concern with project additions and deletions. She stated that she got on the Internet with FTA and an attorney told her that any five year contract cannot be extended out as a rebid because it would be out of the scope. Ms. Barker stated that an attorney needs to look at contracts to see if they are in conformance with the law. Ms. Barker commented on a rundown on the rail project given to the bike committee. She stated that light rail is fixed transportation and we have flexible transportation now. Do not make mistakes and be sure before digging this up. Chairman Ellis thanked Ms. Barker for her comments. He requested that MAG staff research Ms. Barker's question on the contracts prior to the Regional Council meeting.

Mr. Dille moved to recommend approval of the consent agenda. Mr. Driggs seconded, and the motion carried unanimously.

5A. Approval of June 11, 2003 Meeting Minutes

The Management Committee, by consent, approved the June 11, 2003 meeting minutes.

5B. Federal Fiscal Year 2003 MAG Federal Funds Final Closeout and Amendment to the FY 2003-2007 MAG Transportation Improvement Program

The Management Committee, by consent, recommended deferring the City of Peoria, 83rd Avenue at Thunderbird Road project to FY 2004; allocating \$100,000 in FFY 2003 funds for the design of a multi-use underpass in Peoria and \$800,000 for the final design phase of the light rail project as part of the last remaining interim close out funds; also, to recommend \$400,000 additional funds for the Maricopa County, Gilbert Road and McDowell Road project as a final close out contingency project with any remaining final close out funds going to the light rail final design project, and authorizing an Amendment to the FY 2003-2007 MAG Transportation Improvement Program for the Peoria design project. As part of the FFY 2003 Interim Close Out of the MAG federally funded program, approximately \$13.4 million were recommended for a variety of FFY 2003 projects. Prior to Regional Council action on June 25, 2003, the City of Peoria requested to defer a project that was included in this recommended list of projects for additional funds. The FFY 2003 funds made available by the Peoria deferral total \$890,722. At its meeting on June 26, 2003, the Transportation Review Committee (TRC) recommended that the City of Peoria should receive \$100,000 in CMAQ funds for the design of a multi-use path underpass and the remaining \$800,000 in FFY 2003 Interim Close Out funds should go to the final design of the light rail project. As part of the recommendation for Final Close Out funds, the TRC recommended two contingency projects: the first \$400,000 in funds that become available should be used for the Maricopa County, Gilbert Road and McDowell Road project

and any remaining funds should be used for final design of the light rail project. In order to allow Peoria to utilize funds for their design project, an amendment to the FY 2003-2007 MAG Transportation Improvement Program, as shown in the attached Table, is needed to allow the design to proceed. Since the TRC meeting, the City of Peoria has requested that their 83rd Avenue at Thunderbird Road intersection project be deferred to FY 2004.

5C. Proposed Amendment and Administrative Adjustment to the FY 2003-2007 MAG Transportation Improvement Program for Transit Projects

The Management Committee, by consent, recommended approving an Amendment and an Administrative Adjustment to the FY 2003-2007 MAG Transportation Improvement Program for transit projects. The FY 2003-2007 MAG Transportation Improvement Program (TIP) was approved by the MAG Regional Council on July 24, 2002. As a result of changes in funding within the annual Federal Transportation Appropriations Bill, Valley Metro has reviewed the Federal Transit Administration Grant application that is under development and wishes to adjust the projects in the Annual Grant and in the TIP to ensure that the two programs are in conformance. As a result, Valley Metro has requested a TIP amendment that adds nine new projects and deletes four and a TIP amendment is needed to accomplish these changes. In addition, Valley Metro has requested to defer three transit projects and to change the scope of 16 others and a TIP administrative adjustment is needed to accomplish these changes. All of the proposed changes may be categorized as exempt projects or minor project revisions for which an air quality conformity analysis is not required. Consultation on the conformity assessment for the proposed changes is considered under a separate agenda item. On June 26, 2003, the Transportation Review Committee recommended a list of projects as described above. Since that time, the City of Phoenix has requested that two park-and-ride projects be removed from the list of deletions. Since the agenda was mailed, the City of Avondale has requested the addition of two new projects in FY 2003 and the City of Glendale has asked that a project being partially deferred to FY 2004 be addressed in this action. All of these projects are included in the attached Table Two.

5D. Conformity Consultation

Valley Metro has requested an amendment and administrative adjustment to the FY 2003-2007 MAG Transportation Improvement Program (TIP). Each year, when the Transit Appropriations are released, Valley Metro reviews the Federal Transit Administration Grant Application that is under development and adjusts the projects listed in the Grant and the TIP to ensure that the two programs are in agreement. An amendment and administrative adjustment are proposed to add new projects and to incorporate several revisions to existing projects to the FY 2003-2007 MAG Transportation Improvement Program (see attachment). In addition, as part of the Federal FY 2003 Year End Final Closeout, an amendment is proposed to add a City of Peoria multi-use underpass design project on New River Road and to increase funding for the final design phase of the light rail project. The amendment includes new projects that may be categorized as exempt, for which a conformity determination is not required. The administrative adjustment involves minor project revisions for which a conformity determination is not required. Since the June 26, 2003 Transportation Review Committee meeting, further review has been conducted on two City of Phoenix regional park-and-ride projects located at Interstate-10/

Elliot Road and Interstate-17 / Peoria Avenue. The City of Phoenix is requesting that these projects be removed from the list considered by the Transportation Review Committee on June 26, 2003. Since the agenda was mailed, the City of Avondale has requested the addition of two new projects in FY 2003 and the City of Glendale has asked that a project being partially deferred to FY 2004 be addressed in this action. A memorandum describing these additional projects has been distributed to the planning agencies for interagency consultation. This item was on the agenda for consultation.

5E. Regional Annual Report Data Collection Consultant Selection

The Management Committee, by consent, recommended the selection of Applied Economics to prepare databases for subdivision, nonresidential parks and infill development activity for the Regional Annual Report, for an amount not to exceed \$48,500. In May 2003, the Regional Council approved the table of contents for the development of the Regional Annual Report. In addition, in the FY 2004 Unified Planning Work Program and Annual Budget, the Regional Council approved consultant assistance for the development of the Regional Annual Report. To assist in the data collection for the Report, a Request for Proposals was advertised. A multi-agency review team considered the proposals and reached a consensus that Applied Economics be selected for an amount not to exceed \$48,500.

6. Regional Transportation Plan Update

Mr. Smith stated that the Transportation Policy Committee met July 2nd to discuss the revised hybrid transportation plan. He said the TPC is getting close on the highway side. Mr. Smith noted that the I-10 reliever was in the hybrid at \$330 million as a six-lane facility from Loop 202 to Loop 303 with full right of way for a freeway. Mr. Smith stated that the TPC asked staff to look at the costs to protect right of way and build a facility from the 303 to SR 85 and also for Williams Gateway Parkway. Mr. Smith stated that the next TPC meeting will be July 16th. He advised that the difficulty with transit is that different parts of the region have different needs and are in different stages of development. Mr. Smith stated that a number of members will not be at the July 16th meeting, and that could be a challenge. The Committee is running out of time, and they hope to have the draft final plan approved on July 22nd for a 30 day review. Mr. Smith stated that a presentation was given on July 3rd to the special legislative committee. A transportation survey will be commissioned, probably in August, after the draft hybrid is approved, to see the public perspective on the draft.

Mr. Driggs commented that the business coalition is planning on asking the region to run regional express service with the region paying for capital and operations paid by fares. Mr. Driggs stated that it is a fallacy that a bus system can be run better this way than anywhere in the country and make money doing it. He stated that the time is approaching for supporters of transit that we need a balanced system. Mr. Driggs commented that with the business coalition coming in at this late hour with no rail, no bus, and no operations subsidy it becomes a no deal issue.

7. Eight-Hour Ozone Nonattainment Area Boundary

Lindy Bauer reported that by July 15, 2003, the Governor is required to recommend nonattainment area boundaries for the eight-hour ozone standard. If no boundary is recommended, the Environmental Protection Agency will use the Metropolitan Statistical Area (MSA), which includes all of Maricopa and Pinal Counties. She noted that the EPA will finalize the boundaries on April 15, 2004. Ms. Bauer stated that under the Clean Air Act, the boundary must include all areas that do not meet or contribute to a nearby area that does not meet the standards. She explained that the purpose is to protect public health. Within the boundary there will be more stringent requirements for business, industry and transportation. Ms. Bauer added that transportation conformity requirements will apply. For example, the Regional Transportation Plan will be analyzed for conformity with the eight-hour ozone standard in 2005. She advised that once the boundary is set, it would be difficult to make the boundary smaller, although it can be made larger at any time. Ms. Bauer indicated that states may propose a smaller boundary by addressing 11 key factors, which MAG did address in an analysis.

Ms. Bauer reviewed the rationale for the eight-hour ozone boundary. She noted that the violations at monitors will be included within the boundary option. Some of those violations exceeded the standard by only .001 ppm. According to the proposed EPA Rule to Implement the Eight-Hour Ozone Standard published on June 2, 2003, EPA indicated that areas with concentrations close to the standard, or within .005 ppm, will most likely come into attainment within three years after designation without any additional local controls, due to the new federal tailpipe standards. In addition, EPA indicated it has good reason to believe these areas will come into attainment based upon regional scale modeling for the tailpipe standards. Ms. Bauer stated that most of the population and employment growth will occur inside the MAG boundary option. Measures are in place to control emissions outside the boundary, such as Area A and fuel standards. Ms. Bauer stated that emission controls imposed within the boundary option and Area A will improve air quality in downwind areas of the MSA. She noted that expansion of the boundary further would have marginal effect in reducing emissions within the MSA.

Ms. Bauer reviewed issues with the ADEQ boundary options, which included lack of supporting documentation from ADEQ; the ADEQ boundaries are excessively large given the extent of the problem; the expansions beyond the MAG boundary would have minimal effect in reducing emissions; increased risks for transportation conformity; with multi-counties in one nonattainment area, planning may default to ADEQ. Mr. Smith commented that the point is how big do you want to make the area for .001 ppm?

Mr. Skeete asked how long the recommendation would last before needing another review? Ms. Bauer replied that the recommendation would be in place for some time. Once the nonattainment area is set, a plan would be due in approximately 2007. Assuming the area could attain the standard, then a maintenance plan would have to be done. Ms. Bauer noted that this would mean 10-12 years out before we would be deemed in attainment.

Ms. Wilhelmsen stated that she read in an article that Steve Owens would be recommending a moderate boundary to the Governor? Mr. Smith stated that they are leaning toward including

Area A. Ms. Bauer pointed out Area A on the map. She noted that it covers all of western and eastern Maricopa County, into Pinal County, for .001 ppm.

Mr. Fairbanks stated that he was supportive of MAG's position, but had concerns that people outside the boundary might drive into the area, but would not be a part of the program because they did not reside inside the boundary. Ms. Bauer stated there are new federal programs coming online that will significantly reduce emissions, in addition to the current federal measures. Ms. Bauer pointed out that the majority of the population and employment projections will be within the MAG boundary option.

Mr. Fairbanks commented that the interim population numbers approved last month showed a sizable number of people outside the MAG boundary. Ms. Bauer stated that the latest MAG population projections were used and showed 4,024,000 for the MAG boundary, and 4,581,000 for the entire MSA boundary in 2010. She noted that the majority of the population would be within the MAG boundary. Mr. Fairbanks noted that for 2010, there will be one million people outside the MAG boundary. Ms. Bauer replied that she believed the number to be closer to just over a half million. Mr. Smith noted that the target on attainment is prior to 2010, by 2007 or 2009.

Mr. Fairbanks asked if a person or business lives or works outside the boundary that they are exempt, but if they live or work inside, they must comply with regulations, even if these residents might be part of the regional economy? Ms. Bauer replied that Mr. Fairbanks was correct. Inside the nonattainment area, the restrictions are more stringent. However, there are controls outside the nonattainment area that have been in place, such as Area A measures. In addition, federal tailpipe measures have had the biggest impact and are in place inside and outside the area. For industries, requirements would be more stringent inside the nonattainment boundary.

Mr. Fairbanks asked to the extent these standards require expenditures would we be creating an incentive to live or relocate business outside the boundary? Ms. Bauer replied that was correct. As far as nonattainment boundaries, businesses and industries generally want to be outside the nonattainment area boundary. She stated that to put this in perspective, there are three monitors that currently violate the standard at .085 ppm, which is .001 ppm above the standard. Ms. Bauer added that the number of monitors that violate has decreased since 1998, with seven in 1998, six in the next three year period, and is now down to three.

Mr. Smith stated that a larger boundary would make the conformity analysis for the Regional Transportation Plan more difficult. He stated that there would be no problem with going to a larger area if the reason was compelling, such as public health. However, there has been no detailed report provided by ADEQ. Mr. Smith added that the detailed MAG report has been out for at least 30 days.

Mr. Skeete asked how many measures were factored into the modeling to achieve attainment that would take us over and above the EPA standards? Ms. Bauer replied that all committed measures that can be modeled are included. We receive commitments to implement measures from local governments and the state. Also, federal controls are taken into account.

Mr. Skeete asked with industrial and EPA standards imposed, can we say we can be in attainment by 2007 or 2009? Ms. Bauer replied that the new EPA tailpipe standards are built into the EPA models.

Mr. Skeete asked if MAG did nothing as a region to plan their way out, would the region be in attainment by 2007 or 2009 based on standards enforced? Ms. Bauer replied that she would not go so far to say we should do nothing since MAG has not modeled the eight-hour zone standard for attainment. However, according to the EPA implementation guidance published on June 2, 2003, this region is very close to the standard or would attain the standard in three years without doing anything else, due to the new federal controls.

Mr. Klingler commented that it seemed that conformity was a major concern. He asked if the thinking was that if the boundary was expanded, we would not be able to demonstrate conformity, or would it just be more difficult? Ms. Bauer indicated that conformity would become more complicated if more than one county is included in the nonattainment area. Also, if the boundary includes large expanses of forests and vegetation, it can be more difficult to model due to the effects of biogenics. Ms. Bauer advised that if the State did the air quality modeling, there might be delays with TIP amendments. She explained that she has heard other states say that TIP amendments can only be submitted once a year. Their reason was that they cannot be running models all of the time. Ms. Bauer stated that MAG can be fairly responsive because we conduct the modeling in-house.

Mr. Smith commented on the difficulties of conducting conformity in a high growth area. Ms. Bauer commented that it is unknown the piece of the motor vehicle emissions budget the region would have if other counties are included in the nonattainment area.

Mr. Fairbanks asked if outside agencies had ever taken legal action to make the region do more than they want to? Ms. Bauer replied that the Arizona Center for Law in the Public Interest has been very active in Arizona. The first lawsuit they filed in April 1985 was related to the carbon monoxide and old particulate standards. Another recent suit was against the Arizona State Legislature for removing the remote sensing program. The current lawsuit is on Serious Area Particulate Plan for PM-10.

Mr. Fairbanks asked if there was a chance that if we only allow federal vehicle standards that someone may not agree with that? Ms. Bauer acknowledged there is always that chance. She had just mentioned what EPA said in the Federal Register published on June 2, 2003. She could not speculate on what the modeling might show—she can only relate what the EPA wrote in its own Federal Register notice and what the actual monitor values are.

Ms. Wilhelmsen asked if the .001 ppm change was the rationale for a change or was there another rationale? Mr. Smith stated that staff was hearing that ADEQ feels that it would be difficult to convince EPA if we should not include all of Area A. Our response is tell us why that would be difficult since we have presented the numbers that show most of the growth is within the MAG boundary. Ms. Wilhelmsen asked if that was in opposition to what we are hearing from EPA that we could reach attainment? Mr. Smith replied that EPA has made it known in a letter to the Governor that they would not be favorable to using the current one-hour

boundary for the eight-hour boundary. Mr. Smith added that we received a report from California where they had decided to stay with the one-hour boundary for the eight-hour boundary.

Ms. Bauer stated that the EPA does not realize the majority of growth is within the MAG boundary. Also, the State presented misleading information. They took all existing subdivisions platted and did not mention that the start dates of the subdivisions are well beyond the attainment date.

Mr. Cleveland, Chair of the Air Quality Technical Advisory Committee (AQTAC), invited all to attend the AQTAC meetings to gain an awareness of the committee's work on these issues. He noted that the region has local committed measures included in the model, in addition to state measures. Mr. Cleveland stated that MAG is looking to take advantage of the new federal measures, which will enable the area to attain the eight-hour ozone standard without having to expand to the boundary as extensively as suggested by ADEQ. When you reach a multi-county level, then who is in control of the decision-making process is a function of who has the model and who does the planning. Mr. Cleveland stated that the Regional Council adopted the MAG boundary and the State has not met the previously scheduled timeframe of June 11th, which would have enabled the AQTAC to review and make a recommendation. He remarked that the update today was to make all aware of actions that have occurred to date. Mr. Cleveland stated that the data does not demonstrate that moving the boundary out as the State suggested will benefit this region. He encouraged all to work with their staff who work on this issue. Mr. Cleveland reassured members to be comfortable with the MAG boundary in that the Regional Council position is the right position to be taking, and the efforts of the State are reaching beyond what is reasonable.

Maxine Leather, Executive Director of Central Arizona Association of Governments (CAAG), addressed the Committee. Ms. Leather stated that the CAAG Regional Council met June 27th and passed a resolution unanimously supporting MAG's position for the eight-hour ozone boundary. She added that the CAAG Management Committee also unanimously supported the boundary. Ms. Leather stated that CAAG saw no technical data that supported a boundary larger than the one MAG proposed. She introduced Don Gabrielson, Director of the Air Quality Program for Pinal County.

Mr. Gabrielson stated that Pinal County and the Supervisors are dedicated to public health. Under Section 107 of the Clean Air Act, Pinal County deserves an attainment designation. He stated that they have not monitor violations and do not meaningfully contribute to nonattainment elsewhere. Mr. Gabrielson stated that nobody has shown any numbers that would indict Pinal County as contributors to ozone in Maricopa County. He stated that EPA's presumption directly conflicts with the EPA's Clean Air Act, which has a provision related to an MSA that applies only to severe or extreme nonattainment. He noted that the MAG region is just slightly over the standard. Mr. Gabrielson stated that the presumption under the Clean Air Act does not kick in and by guidance, the EPA has expanded the presumption and threatens everyone with it. He stated that a mechanism needs to be in place besides the one that expands the nonattainment boundary every time some builds a 250,000 home development. We should have an attainment area planning mechanism in place so as not to grow the state into a huge nonattainment area.

Mr. Gabrielson commented that there is an obligation under the Clean Air Act to have a plan to ensure that. He stated that expanding the nonattainment area is a way to force planning, but is a clumsy way to do it. The first penalty is that industrial sources are subjected to controls. However, industrial emissions are not the source of the problem. Mr. Gabrielson spoke to Mr. Fairbanks' concerns about incentives for growth beyond the boundary. He stated that in ten years, he has not seen Pinal County taking away industrial development, and are just holding their own. Mr. Gabrielson stated that there is a statutory requirement that anyone who commutes into an urban area is supposed to have auto emissions testing. He added that taking care of the existing law should take care of the issue rather than growing the boundary. Mr. Gabrielson emphasized that the Pinal County monitors do not violate, do not contribute to violations elsewhere, and deserve attainment designation.

Ms. Wilhelmsen asked if there was a model similar to the groundwater act, that would work on a per development approval? Mr. Gabrielson replied that generally, that was the concept he was raising. Look at the impacts rather than growing the nonattainment area. Mr. Gabrielson added that there are some models in progress, but he was unsure if they are developed to the point of reliability.

Chairman Ellis recognized public comment from Ms. Barker, who stated that this is a timely and interesting issue. She commented that she could feel the Committee's concern. Ms. Barker expressed her concern with the control measures. She stated that there is no way to see if cars are even being registered. Ms. Barker stated that it is folly to believe that tougher tailpipe standards will get us to 2007 or 2012. She stated that she was reserving opposition or support and would see what ADEQ was doing. Ms. Barker stated that she has seen plans that in 50 years this area will be as large as the largest cities in the world, mainly because we are protected from natural disasters. Ms. Barker stated that this area has much to offer. You need to be responsive to the public and ensure that any plan you do will be free and open to full scrutiny for benefits to MAG and surrounding areas. Chairman Ellis thanked Ms. Barker for her comments.

Mr. Smith stated that staff met July 7th with the Governor's Office. Mr. Steve Owens is briefing the Governor prior to submission of her decision on July 15th. Mr. Smith advised that if there are concerns about the boundary going into a community that you make your voice heard. He stated that the Governor's Office gave us the opportunity to present our material, and ours was the only detailed report available--no detailed report was available from ADEQ. Mr. Smith expressed concern with the ADEQ public involvement opportunities process and the public should be able to see the ADEQ analysis.

Mr. Evertsen asked if there were any requirements for ADEQ to provide a rationale? Mr. Smith replied that in order to not default to the MSA boundary, they have to address 11 factors, which MAG did. MAG kept the report defensible so if the Governor went with the MAG report, it could stand on its own.

Chairman Ellis asked about the next steps. Mr. Smith stated that the Management Committee now has a good grasp of the situation and the ripple effect of what could transpire. If the ADEQ boundary is accepted, you are going to a much larger boundary than can be justified. He expressed concern that we do not know the conformity regulations that will be published. Mr.

Smith added that this is a great concern because the TPC will be approving the draft final Regional Transportation Plan in the next two weeks. If we have the plan done and cannot build it, what have we accomplished?

8. 2005 Population Options Update

George Pettit stated that the Subcommittee on 2005 Population Options will meet July 11th to discuss the formula to pay for a Census Survey. He stated that the Subcommittee has reached a conclusion that there would be regional benefit to having a mid-decade census. Mr. Pettit noted that it is fortunate to have financial relief provided by the Legislature to contract for a Census Survey in lieu of a Special Census. He added that the formula for distributing costs is challenging because some will lose funds as a result of the census. Mr. Pettit reported that a report should be forthcoming shortly. Chairman Ellis thanked Mr. Pettit for his report. No questions from the Committee were noted.

9. Homeland Security Grant Update

Tom Remes stated that the U.S. Department of Homeland Security, Office of Domestic Preparedness is providing financial assistance to selected urban areas through the FY2003 Urban Areas Security Initiative Grant Program II. In Arizona, this grant's funding allocation is approximately \$11,033,467. Mr. Remes stated that MAG was approached by Arizona's Office of Homeland Security to act as a point of contact for the urban area, along with the City of Phoenix as the point of contact for the core city and Maricopa County as the point of contact for the core county. An Urban Area Working Group (UAWG) needs to be formed that includes these agencies, along with the cities of Glendale and Mesa that are Metropolitan Medical Response Cities, as is Phoenix, in the region. Mr. Remes stated that the UAWG will be responsible for the development and implementation of the grant program. This group will be working under tight time frames. Deadlines include September 30 - the Urban Area Assessment is due; October 31 - Urban Area strategy is due; November 30 - Budget detail worksheets are due. Mr. Remes stated that a summary of the application will be presented to the Management Committee and Regional Council for comment prior to submittal. Those comments will be provided to the UAWG for possible consideration in the grant proposal.

Mr. Evertsen asked the difference in terminology between urban area assessment vs. regional risk assessment. Mr. Remes replied that it was his understanding with the number of grants and working groups there might be some overlap. Some of the data collected in the past will be applied. Mr. Evertsen asked about the Palo Verde Nuclear Plant. Mr. Remes replied that as part of the unincorporated area, the Palo Verde Plant would be represented by the County.

Mr. Huling asked if there were any disadvantages to MAG being involved in the process. Mr. Smith replied that the Management Committee and Regional Council would comment on the application, but there is the possibility their comments might not be incorporated. He noted that there could be some perceived liability in that the public could come back to an elected official and say they had the opportunity to comment, but the process was not changed that could have addressed a certain disaster. Mr. Smith stated that needs to be weighed against having input into the process. He added that going through the MAG process provides daylight on a process. Mr.

Smith stated that due to a posting error, no action could be taken today. He added that action could be taken at Regional Council, or it could be brought back to Management Committee at the next meeting for possible action and then to Regional Council. Chairman Ellis asked the options for action. Mr. Smith replied that if MAG decides to have a role, it would be for comment on the grant through the MAG process; or MAG could say we are not hosting the process because we have not been advised on the UAWG. Mr. Smith remarked that the current direction is that MAG is involved in the process and the product will be coming through the Management Committee and Regional Council for review and comment.

Mr. Cleveland stated that as a manager, he could see the value of efforts of entities working together on this as a regionwide issue. The more MAG participation, the better off we are. If for nothing else, there is knowledge so we can coordinate the efforts at Management Committee level to facilitate implementation at an operational level.

Chairman Ellis stated his agreement with Mr. Cleveland. He suggested that this item be on the next Management Committee agenda for possible action to endorse an official MAG role. He added that the item could be kept on the July Regional Council agenda for information and come back at their next meeting for action.

Ms. Kraus asked that more information be provided on the potential liability issue prior to action. Mr. Smith commented that the liability would be more on the political process with elected officials being aware of the plan.

Ms. Gutier stated that the UAWG met that morning. One outcome for the entire Valley is coordination with technical staff. She stated that a meeting is scheduled in the West Valley July 23rd to discuss equipment needs and standards. Ms. Gutier mentioned that the technical staff need to work on the grant application in a timely manner in order to meet deadlines. She added that after this the UAWG will still need time to go back to the Office of Homeland Security in Arizona and the Office of Domestic Preparedness. Ms. Gutier stated that the City of Glendale is the point of contact for the West Valley and has been meeting with public safety on grants. She added that she would like to bring back further information at the Management Committee and Regional Council meetings. Ms. Gutier commented that she could provide more information if there are questions on the West Valley process.

Chairman Ellis asked if taking action at the next Management Committee meeting would delay the process. Ms. Gutier commented that could be accommodated without an impact. Chairman Ellis commented that this is a worthy issue that will be with us for a long time. Mr. Smith stated that in September, a product will be available and that and the process could be discussed.

10. Public Involvement Update

Theresa Gunn, Gunn Communications, gave a presentation summarizing recent public outreach and the results of five public workshops. She stated that the purpose of the public outreach is to provide early input into the Regional Transportation Plan process, determine the funding priorities of the general public, and to present these priorities to the TPC. Ms. Gunn stated that three survey instruments were used and included a telephone poll, a funding priorities survey,

and a four-question survey. Ms. Gunn addressed the results from the funding priorities survey that showed support for new freeways, but at lower funding levels; support for improving the existing system; concerns that HOV lanes are ineffective due to violations and lack of enforcement; and strong support for freeway maintenance. She summarized the transit funding findings. She noted that support was strong for commuter rail, with respondents allocating more funding than allowed for this mode. Ms. Gunn reviewed the priorities by community organizations, which included Valley Citizens League, Glendale Citizens Transportation Oversight Committee, Phoenix Surface Transportation Advisory Committee, environmental leaders, and Sun City Grand neighborhood representatives. She provided a breakdown of the preferences by geographic area. Ms. Gunn noted that all results indicated a preference for a multimodal system.

Kelly Taft continued the presentation on additional public involvement special events that included freeway openings, MAG at the Mall events, MAG Regional Town Hall, Sunday on Central, and presentations to Title VI communities and numerous groups. Ms. Taft provided a review of the results of the four-question survey. Question One: What is the single most important thing that can be done to improve the Valley's transportation system? Ms. Taft stated that the combined results from 12 categories showed bus service as the number one answer, followed by freeways and rail. Question Two: If it was your job to decide how to distribute our tax dollars on transportation improvements and you had a total of \$100 of tax money to distribute, how would you distribute it among the following four areas—freeways, bus service, light rail, and streets and roads? Ms. Taft stated that the responses showed an almost equal distribution among the modes, which shows a preference for a multimodal plan. Question Three: In 1985, Valley voters passed Proposition 300, a 20-year, one half cent sales tax to improve the transportation system in Maricopa County. Were you aware or unaware that this tax would expire in 2005? Ms. Taft noted that 60 percent of respondents were unaware of this. Question Four: From what you have read, seen, or heard, would you say the funds provided from Proposition 300 have had a major impact, a minor impact or no impact on improving the transportation system in Maricopa County? Ms. Taft stated that highest response was that the tax had a major impact. She noted that Mr. Shultz had written an editorial in *The Arizona Republic* that effectively summed up the overall conclusion that the public understands the need for a mix of transportation improvements. Chairman Ellis thanked Ms. Gunn and Ms. Taft for their reports.

10. Comments from the Committee

An opportunity was provided for Management Committee members to present a brief summary of current events. The Management Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Chairman Ellis stated that former Surprise City Manager, Bill Pupo, was in job transition. He commented that Mr. Pupo had done an excellent job in Surprise, that included securing a training facility for the Rangers and Royals. Chairman Ellis wished Mr. Pupo well in his next career move.

Mr. Morales referred to MAG's joining the ASRS. He stated that if MAG is excluded from joining, he would suggest the resolution process. Mr. Morales stated that he would go on record to sponsor a resolution through the League and would gladly accept any who wish to be co-sponsors.

Chairman Ellis offered assistance if there was anything the cities could do. He commented that MAG staff belongs in the ASRS. Mr. Smith stated that many MAG staff were formerly ADOT or MCDOT staff, and as they are nearing retirement, were just trying to collect their years of service.

There being no further business, the meeting adjourned at 1:55 p.m.

Chairman

Secretary